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2
3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**
5

6 IN THE MATTER OF ENFORCEMENT)
7 ACTION AGAINST)

8 Washington Independent Bankers PAC)

9 Respondent.)
10 _____)

PDC CASE NO: 04-422

FINAL ORDER IMPOSING FINE

11 **INTRODUCTION**

12 The Washington State Public Disclosure Commission (Commission) conducted an
13 enforcement hearing (adjudicative proceeding) under chapters 34.05 and 42.17 RCW and
14 chapter 390-37 WAC on February 24, 2004, with respect to the above-encaptioned matter.
15 The Commission convened the hearing at the Evergreen Plaza Building, Room 206, 711
16 Capitol Way South, in Olympia, Washington. The Staff appeared through Philip E. Stutzman,
17 Director of Compliance. John Collins, President, Washington Independent Community
18 Bankers Association (WICBA) and Treasurer, Washington Independent Bankers PAC (WIB
19 PAC), appeared on behalf of the Respondent.
20

21 The Commission was provided a copy of the Report of Investigation dated February
22 11, 2004, the Notice of Administrative Charges dated February 12, 2004 and a Stipulation of
23 Facts, Violations and Penalty (Stipulation) of the parties dated February 24, 2004. The
24 Stipulation of Facts, Violations and Penalty are attached, and incorporated by reference into
25 this Order.
26

1 After due consideration of the Notice of Administrative Charges, the Stipulation of
2 Facts, Violations and Penalty, and oral argument by Staff and the Respondent, the
3 Commission accepted the Stipulation. The Commission therefore makes the following
4 findings and enters the following order.
5

6 **FINDINGS**

7 Based upon the stipulated facts and violations in the Stipulation, the Commission
8 enters the following findings.

9 1. The Commission finds that the Respondent committed multiple violations of
10 RCW 42.17.080 and .090 by failing to timely file Monetary Contributions reports (PDC form
11 C-3) for contributions received between August 1, 2000 and November 30, 2003 totaling
12 \$36,066; and
13

14 2. The Commission finds that the Respondent committed multiple violations of
15 RCW 42.17.080 and .090 by failing to timely file Summary Full Report, Receipts and
16 Expenditures reports (PDC form C-4) disclosing contributions received and expenditures
17 made between August 1, 2000 and November 30, 2003, with all expenditures being
18 contributions totaling \$12,575 made to state legislative or statewide executive candidates.
19

20 **ORDER**

21 The Commission also orders as follows:

- 22 1. That the Stipulation of Facts and Violations is accepted;
23 2. That a total civil penalty of \$3,500 is assessed against the Respondent;
24 3. That \$1,000 of the penalty is suspended on the condition that the Respondent commits
25 no further violations of RCW 42.17 for a period of two years from the date of this
26

1 Order as determined by the Full Commission.

2 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

3 Any party may ask the Commission to reconsider this final order. Parties must place
4 their requests for reconsideration in writing, include the specific grounds or reasons for the
5 request, and deliver the request to the Public Disclosure Commission Office within **Twenty-**
6 **One (21) business days** of the date that the Commission serves this order upon the party.

7 Grounds for reconsideration shall be limited to:

- 8
- 9 a) A request for review was deemed denied in accordance with WAC 390-37-144(4);
 - 10 b) New facts or legal authorities that could not have been brought to the commission's
11 attention with reasonable diligence. If errors of fact are alleged, the requester must
12 identify the specific evidence in the prior proceeding on which the requester is relying.
13 If errors of law are alleged, the requester must identify the specific citation; or
 - 14 c) Significant typographical or ministerial errors in the order.
- 15

16 Pursuant to RCW 34.05.470, the Public Disclosure Commission is deemed to have denied the
17 petition for reconsideration if, within twenty (20) business days from the date the petition is
18 filed, the Commission does not either dispose of the petition or serve the parties with written
19 notice specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470,
20 the Respondent is not required to ask the Public Disclosure Commission to reconsider the
21 final order before seeking judicial review by a superior court.

22 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

23 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
24 Commission is subject to judicial review under the Administrative Procedures Act, chapter
25
26

1 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
2 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
3 County or the petitioner's county of residence or principal place of business. The petition for
4 judicial review must be served on the Public Disclosure Commission and any other parties
5 within **30 days** of the date that the Public Disclosure Commission serves this final order on
6 the parties.
7

8 If reconsideration is properly sought, the petition for judicial review must be served on
9 the Public Disclosure Commission and any other parties within thirty (30) days after the
10 Commission acts on the petition for reconsideration.

11 **ENFORCEMENT OF FINAL ORDERS**

12 The Commission will seek to enforce this final order in superior court under RCW
13 42.17.395-.397, and recover legal costs and attorney's fees, if the penalty remains unpaid and
14 no petition for judicial review has been filed under chapter 34.05 RCW. This action will be
15 taken without further order by the Commission.
16

17 DATED THIS 10th day of March, 2004.

18 FOR THE COMMISSION:

19 _____/s/_____
20

21 VICKI RIPPIE, Executive Director

22 *Attachment:* Stipulation of Facts and Violations Dated February 24, 2004

23 *MAILING DATE OF THIS ORDER:*
3/10/04

24 _____
25 *Copy mailed to:*

26 John Collins, President, WICBA and Treasurer, WIB PAC